The Evening Times

NUMBER 1043.

WASHINGTON, FRIDAY, DECEMBER 2, 1898-TEN PAGES,

PRICE ONE CENT.

TOPICS DISCUSSED BY THE CABINET

Many Important Subjects Considered Today.

PLANS TO POLICE HAVANA

Orders Modifying Civil Service Rules Agreed Upon.

No Trouble Expected in Securing Cable and Coaling Stations in Ceuta.

The occupation of Cuba, the peace negotiations at Paris and the President's civil service order were the principal matters considered at the Cabinet meeting today. All the Cabinet officers were present except Secretary Alger, who is not in the city.

The exemptions in the forthcoming civil service orde were submitted to the President's advisers and passed upon by them severally. The order was then announced as completed, and will be given out as an Executive order for publication this evening or tomorrow, it was stated.

The action of the War Department in setting aside \$50,000 for the organization of a police force in Havana city and province was ratified by the Cabinet. The formation of this force will begin at once in order that it may be ready to begin its duties immediately after the Spanish evac-

The Havana police force will be or gunized on lines similar to those of the metropolitan force here, the personne and efficiency of which is greatly admired by Mr. McKinley and his Cabinet officets. It will be commanded by officers of the United States regular army. The privates will be largely composed of natives, preference being given the former Cuban soldiers. The Spanish gendarme or millture will be eliminated. Secretary Huy does not believ there will be much difficulty ex-

perienced by the American Peace in securing cable and couling stations at Centa and other points. The controversy at Paris over these questions was a matter of business of dollars and cents-between Spain and America and being outside of the irenty could have no effect on that paper and its consideration and comple-

Advices from Parts indicate that fair progress is being made in bringing the treaty to a finis.

The prospect of trouble with the Philippine insurgents, when this country takes formal possession of the Islands was considered and the statement made that this Government would be prepared to promptly suppress the Pilipinos, should

They will be dealt with kindly at first and requested to lay down their arms peaceful efforts fall, Admiral Dewey and Gen. Otis will be directed to use all the force at their command for the accomplishment of this purpose.

The Niceragua and Panama Canal projects were touched upon and Secretary Has related to the Cabinet the talk Le had yesterday with the representatives of At the close of the meeting one of the Cabinet officers stated that the quest on of a peninsular canal. Nicaragua or Panama, was in the hands of Rocceptative Hepburn, of Iowa, chairman of the Interstate and Foreign Commerc: Committee of the House.

The opinion was expressed by several Cabinet officers that the published stateble stations to this country or to grant religious liberty in the Carolines, are ex-

We will get all we ask for," said on of these officers, "but there must be some bartering, as in any business transactle

FOLLOWERS OF CARLOS SAY THE CAUSE GROWS

Count Demnille Declares Success Will Bring to Them the Support

of the Pope. Paris, Dec. 2.-Count Urbain Demaille, g Carlist chief here, said yesterday: "Our cause is growing stronger daily. The people are with us and also the lower orders

of the clergy. We can count on the support of the Pope if successful.

Count Demaille further stated that Dor Carlos was in Vienna waiting the occasion for the uprising.

Madrid, Dec. 2.-Several Carlists have been arrested in the province of Ternel. The army is being kept on a war foot

CUBAN COMMISSIONERS AT THE WHITE HOUSE

General Garcia and His Colleagues Received by the President This Afternoon,

The Cuban Commission, headed by Ger Garcia, called at the White House this afternoon at 2:25 o'clock. They were at once received by the President,

Up to the time of going to press the were still in consultation with him.

PARIS STILL AGITATED OVER PICQUART'S CASE

A Remark Indicating an Undertone of Revolutionary, Sentiment Among the People.

ing in the case of Col. Picquart, who is confined in the Cherche-Midt military rison awalting court-martial. Friein Gohler, whose published attack on the army caused a storm in the cham

her recently, said yesterday in speaking of the Picquart case: "Anything may happen from indifference to barricades."

\$1.25 To Baltimore and Re- \$1.23 turn vin Pennsylvania Railroad. Tickets on sale Saturday and Sunday December 3 and 4, good to return until Monday, December 5. All trains except the Congressional Limited.

SERIOUS ACCIDENT TO MARY O'CONNOR

SHE PALLS FROM A WINDOW

Sustains Fracture of Ankle, Sprains Back and Wrist and Is Otherwise Injured.

Mary O'Connor, twenty-eight years of age, employed at 1125 Fifth Street northwest, as a domestic, fell from the second story window to the pavement today at 12 o'clock, and sustained severe injuries She was sitting on the sill washing the windows when she lost her tmiance and fell to the street.

She was picked up and conveyed to the Emergency Hospital where it was found that she had sustained a compound fracture of the right ankle, a sprained wrist, a dislocated left ankle, a sprained back, numerous brutses and other injuries.

At a late hour this afternoon the doctors reported that she would probably re-

VOICE OF THE PEOPLE IS RAISED IN PARIS

MEETING OF THE REVISIONISTS

Authorities Accused of Neglect in Executing Justice by the Editor of the Temps.

Paris, Dec. 2.-A meeting of upwards of 600 partisans of revision was held last evening at which was adopted a resolution demanding the abandonment of the prosecution of Col. Picquari, the revision of the Drcyfus case, and the punishment of the latter's accusers. M. De Presense, editor of the Temps, made a speech in which he accused the public authorities of lack of energy in the execution of justice.

Other speakers talked in a similar vein. It is reported that the court of cassation has demanded access to the secret dossier in the Dreyfus case and that M. De Preycinet has consented to its production upon the condition that certain of the documents shall not be given to the pub-

MOURNERS IN SEARCH OF THEIR DROWNED

GRIEF-STRICKEN EXCURSION

Relatives and Friends of the Port land Victims Visit the Morgue to Identify the Corpses.

Orleans, Mass., Dec. 2.-The first large crowd of travelers to break the embargo which has prevented travel along Cap Cod since Saturday, arrived yesterday af termoon. It consisted of about one hundred men and women. All were in scarch of bodies of dead friends or relatives jest with the ill-fated Portland,

They were accompanied by Genera Manager Liscomb, of the Portland Steamship Company, and Agent Williams 61 Beston. They at once secured barges and started for the morgue where they weded in positively identifying eleven bodies. One more was probably identified

and two are still unknown. Several fairly certain identifications have been made at other points where the bodies have been picked up.

The entire list of bodies identified from imong the twenty-one bodies found here and elsewhere follows:

Elizabeth M. Collins, Portland, Me .: Pecipal of Bush Business College, Lewiston Me : Hon. Dudley E. Freeman; George Graham, cabin man: Madge Ingralism, colored, Woodford, Me; Susan A. Kelly, of Dorchester, school teacher at Auburn, Me.; Mrs. Cornella N. Mitchell, North Boston, and George Watson, sec-

CAPTAIN CONCHAS' TOKENS OF GRATITUDE

Sends His Photograph to Surgeon Who Treated Him While a Prisoner in Hospital.

Norfolk, Va., Dec. 2.-The surgeons at he navy yard here have received from Capt. Conchas, who commanded the flagship of Cervera's squadron, the flagship Maria Teresa, photographs of himself, taken in Spain since his return, as tokens of his grutitude for his treatment at that while a prisoner in the Marine

GUIDED BY "SPOOKS" TO APPLY FOR DIVORCE

Mrs. Leury's Guiding Spirits Suggest Legal Separation From Her Husband.

New York, Dec. 2 -- Spirits figure in the divorce suit which Mrs. Georgians Leury has begun against her husband. She lives at Z Fourth Avenue, Brooklyn. On leaving him unexpectedly she wrote a letter saying that twee within two months her guiding spirits had visited her conths her guiding spirits had visited her and declared she "must be separated from DECISION RELATIVE

the man she'was with," He spent a long time hunting for he and finally found that she was employed by the family of Lawyer D. S. Moulton At the same time, Mr. Lenry was served with papers in a suit for absolute divorce but says he does not know of any cause for such action.

A WRECKED VESSEL SOUTH OF PLYMOUTH

Not Yet Identified, But May Be the Missing Pantagoet, From New York for Bangor.

Boston, Dec. 2 .- There is a wrecked vessel on Rocky Hill Ledge, five mi'es south of Plymouth, but she is only visible when

AUSTRIA'S FETE DAY FULLY OBSERVED

Rejoicing of People Throughout the Empire.

VIENNA IN HOLIDAY GARB

Francis Joseph Issues an Order Honoring the Imperial Army.

Thanks Them for Their Loyalty and Fearless Valor-Newspapers Appland the Emperor.

Vienna, Dec. 2.-Vast crowds are throng-

ing the gaily decorated streets today wearing favors of black and yellow o red and white ribbons from which are suspended memorial medals which were struck in honor of the Emperor's jubilee. The day was ushered in by the firing of innon and the sounding of reveilles by the burlers of the various regiments. The archdokes attended a special service in the garrison church this morning, after

which the jubilee medals were distrib

uted among the troops, Commemorative meetings were held in the universities and public schools and solemn services were held in all of the churches. Telegrams received from the various provinces indicate that the celebration of the day is being observed throughout the empire with great rejoicing. The newspapers unanimously hall the Emperor as the guardian of European peace, compliment him in the highest terms and eulogize his devotion to his du-

ties as a ruler. A general order addressed to the army is published in the Wiener Zeitung, the official journal, today, in which the Em peror expresses his thanks for the army loyalty and fearless valor, and declares that he will in the future, as now, regard the army as the protector and shield o

A large number of decorations and a decree granting amnesty in Hungary are

AMERICAN HONORS TO

FRANCIS JOSEPH Charge de Affaires White and His Staff Attend High Mass at

Chelsen, England. London, Dec. 2.-Mr. Henry White United States charge d'affaires, and the members of the staff of the United States

SOLEMN HIGH MASS IN FRANCIS JOSEPH'S HONOR

SERVICES AT ST. MATTHEW'S

and the Diplomatic Corps Were Present. Solemn high mass was sang this morn to the Austrian throne of His Majesty,

Walter L. Bemis, of Auburn, Me.; Solothe Emperor and King, Francis Joseph. The father's residence, ence of Monsignor Martinelli, the apos- Compton, jr.,

Silas. During the Graduale Ross'ni's "Ave Verum" was sung. Mrs. Kitty Thompsons Berry rendered Diabelil's "Jubiate Deoduring the offertory. The other members of the choir were Mrs. Hugh LaGrange, and Miss Emily Donath, sopranos: Mrs. Margaret Nolan-Martin and Miss Katherine Lackey, contraites: Alexander Mocher and Thomas Fitzgerald, tenors, and James Barnes Compton was born at Port Tobacco, Charles County, Mr. November B.

Ruling by Internal Revenue Commissioner Scott of Interest

The following decision, made recently by Internal Revenue Commissioner Scott, is of interest to executors administra-val officer for Baltimore by P tors, trustees and others having estates Cleveland and served the full term in their charge: 214 2

Upon the death of any person possessing at the time of his death personal property exceeding the actual value the sum of \$1,000, the personal property will be regarded as having possed to the administrators, executors, or trustees, and these officers will proceed to Severain as soon as possible the whole amount of the decedent's day and the Commit as possible the whole amount of the decedent's personal property. This amount is held to be the whole amount which these officers find to be the whole minded when the persons, or to any body or bodies, politic or corporate, in trust or otherwise.

bedy or bodies, politic or corporate, in trust or coherwise.

The beach is heaped with seawed and there may be bodies in it. No wreckage has come ashore yet of which the vessel can be identified, and the sea is still running so high that the wreck came be approached.

At low tide this afternoon something will be definitely learned. She may be the Pantagoet, bound from New York for Bangor, though she had two masts and this wreck seems to have but one.

1713 no's Buainess College, Sth and K. Business shorthand typewriting—128 a yr.

ALGER RELIEF WORKERS RESUME THEIR SESSION

COLONEL BIRD ON THE STAND Railrords Blamed for Delay in

Moving Troops From Tampa. Praise for Officials. The Alger Relief Commission resure its sessions in Washington this morning

All of the members, except Dr. Couner who is still in Boston, were present. Col. Charles Bird, of the Quartermaster General's Department, who had charge of transportation, was the first witness He said the price paid for mules was rea sonable. Rates obtained from the ;a !oads were lower than ordinarily given to

individuals. In moving troops touris sleepers were secured when powitic, and in all cases a seat for each soldier was obtained. The railroad companies were prompt in carrying out their contracts but in some instances in the South ther. was delay in the matter of equipment The difficulty in getting troops from Tampa to Port Tampa, Col. Bird said, was due to the fact that the Plant System, which owned the only line down there, desired to cut out the Florida Central road from transporting troops or supplies, and a very high rate was made The Government purchased out ig t fourteen ships for transportation-two on the Pacific and twelve on the Atlantic coast-and others were chartered. Most of these ships were freighters and it was hard to properly ventilate them and provide proper accommodation. The Government was compelled to take the vessels

Col. Bird said he was well sustained by the War Department. There was no dis position on the part of any one to throw obstacles in the way of the transportation department.

in the market.

HON. BARNES COMPTON LYING AT DEATH'S DOOR

HIS FAMILY AT THE BEDSIDE

A Sudden Stroke of Paralysis Renders His Condition Serious.

Laurel, Md., Dec. 2.-The Hon. Barnes Compton, for a half century one of the most prominent figures in Maryland, is lying at the point of death at his home ere. Yesterday the Biness of Mr. Compton, which has confined him to his home for two weeks, culminated in an attack of paralysis, and his recovery is considered hopeless,

Mr. Compton has been subject for years to an affection of the heart, but his presstroke of paralysis left him without the power of speech or the faculty of recognition for several hours. Last evening he believe that he knew them. Mrs. Comp-President McKinley, Mgr. Martinelli Bide.

The six children of Mr. and Mrs. Compton are at home, with the exception of Key Compton, who is connected with the ing at St. Matthew's Church, to celebrate the fiftieth anniversary of the accession to the Austrian throne of His Majesty,

J. H. Sothern Compton has been ill with typhold fever for nearly three months at this father's residence, but is now conva-

church, offered up the sacrifice of the mass. He was assisted by Father Lee, the pastor, in the capacity of deacon, while Father Sterling officiated as subdeacon.

At the request of the Austro-Hungarian minister, the services of the leading solosists of the city were procured for the leading solosists of the city were procured for the sacrification. The Democratic mass meetins in Laurel early in November 16 Mr. Compton passel made a most extraordinary campaign, and did what no other man alive could have done for the party in New York. He does not think the Rough Rider will offer himself or to offered as a camillate for the Presidency in 1900.

Senator Hanna's headquarters at the Arington have been burnished and made in Laurel early in November 16 Mr. Compton passel made a most extraordinary campaign, and did what no other man alive could have done for the party in New York. He does not think the Rough Rider will offer himself or to offer himself or to effect as a camillate for the Presidency in 1900.

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and Thomas Fitzgerald, tenors, and James, Nolan and W. Silas Sheetz, bassos. Miss Glennan presided at the organ.

The altar was elaborately decorated with clinging vines, which extended from the proscentum to the floor. Paims and potted plants adorned the sanctuary, and these, together with the beautiful robes of the priests, the red cascock of the arch—serving as president of the senate during the same county in 1861 to 1881, 1860, 1872. of the priests, the red cassock of the arch-bishop, the immaculate white altar and the session of 1888 and 1870, was State

second year of his sixth term ed to the Forty-ninth and P gresses and received the certifi TO TAX ON ESTATES tion to the Fifty-first, but we issented by contest, the seat being give by contest, the seat being give by contest, the seat being give by the cond and re-elected to the Fifty-third Congress as a Democrat, receiving 15.281 votes tion to the Fifty-first, but w

> In 1894 Mr. Compton was appoir ed na years.

CLOSES IN I STON

No Witnesses Appear to Tes ly To day and the Committee c One Adjourns Court. Boston, Dec. 2.-No more witnesses appearing before Dr. Connor, representing

TOWN FILLING UP WITH STATESMEN

Extra Session of the Senate is Deemed Necessary.

TWO TREATIES TO RATIFY

The Republicans Want to Prevent Embarrassing Legislation.

Colonel Henderson, of Iowa, as Possible Rival of Mr. Reed for the Next Speakership.

But two days intervene between this one and the assembling of the short session of the Fifty-fifth Congress. hundred and fifty members of the House have arrived, and others are coming in on every train. The tardy ones, who will get here in bare time to answer the rollcall, have reported themselves to their colleagues by telegraph, mail and proxy. Amos Cummings, of New York, is in town, but little else is known of him Unlike so many others he is apparently not anxious to unbosom himself of his views on the various topics of the day, and is keeping himself carefully secluded. The House postoffice, even, does not know where he may be found. He reported there that he had arrived, but left no address. Several New York representatives are looking for him, but those whom Mr. ummings is not anxious to see have not found him. During the last session the home address of Mr. Commings did not appear in the Congressional directory.

Mr. Bailey is expected to arrive today, out at noon he had not yet put in an appearance. The opposition to him seems to be gaining ground, and it is prophested hat he will be rebuked at the forthcoming Democratic cancus, even as he was at the last emicus.

Fifth district of Tennessee, has arrived. It is expected that he will be a candidate for the minority leadership in the next Coursess. He will be urged by Mr. Mc-Millin, governor-elect of Tennessee, who hopes to pledge the delegation from his State for Mr. Richardson, and turn whatsever support he (McMillin) might have that for the leadership had he remained had so the man a change to cross.

After a discussion between Messer, Auction of the force of the force of the force of the force of the same side of the frack when the bell commenced to ring in warning that a train was coming. He suspended lowering the gate when he noted the horse coming as he saw that the driver was unable to manage the animal and he designed to give the man a change to cross. It is expected that he will be a candidate n Congress, into the hands of his choice.

Col. David R. Henderson, of Iowa, who Col. David R. Henderson, of lows, who The borre rushed at the gate and strikis mentioned as a rival of Mr. Reed for ing it, lifted it one-third of the way up, the speakership of the next Congress, de- the driver meanwhile tugging at the embassy, attended high mass at St. entiliness affected the brain, and derson has, since the war, occo converse that in the constraint of the inhibiter of the Emperor of base of the brain. He has been of clear into a conservative expansionist, and proministration. There may be some signincance in this, inasmuch as Mr. Reed's ideas of expansion must undergo some railled, and the members of the family sort of revision before they harmonize and the few friends admitted to his room with the views entertained by the Repubilean leaders in Congress, and the Adminton, who has been an invalid for some Istration. Col. Henderson, not so long time, refuses to leave her husband's bed- ago, declared nimself with Mr. Reed on these questions, but he now favors taking whatever benefits the war has thrust up-

on us. Representative Sherman of New York comes back to Washington firmly convinced that the rural sentiment in his State is for expansion, and aside from this conviction he is burdened down with exother children are Barnes planations of how it happened, or why the Mrs. Harold Reese, of Virginian Page Computer and Republicans suffered losses up his way. It was famous old Academy of Music is a mars property which was as much entitled to Efficient M. Collins, Fortuna, M. Collins, M. Collins, Fortuna, M. Collins, tolic delegate to the united Sciences.

ey, Boston, Capt. Dumbar, Booth Edy.

Mrs. Ansel Dyer, quartermaster of the steament Portland; Mrs. Jennie Edmunds.

Futher Bart, assistant paster of the Congression of the Congressi polis. Mr. Sherman says Col. Roosevelt made a most extraordinary campaign, and did what no other man alive could have done for the party in New York. He does not think the Rough Rider will offer himself or be offered as a camidate for the Presidency in 1300.

1 o'clock this morning, and by 5 o'clock sports, and when in attendance they and a right to bet on the fessure. Were also burned. Less, about \$5500.

2 J. H. Phillips, manager of the "Wheel offer himself or be offered as a camidate for the Presidency in 1300.

3 J. H. Phillips, manager of the "Wheel offer himself or be offered as a camidate for the Presidency in 1300.

to shine in anticipation of his coming, perhaps tomorrow. The junior Senator from Ohio will be a busy mun this winter, but he hustens to contradict the statement that he will establish himself.

in the Brice Mansion. The belief seems to prevail that there will be an extra session of the Senate to ratify the peace treaty, and also the one it is believed, will be framed in time to engage the attention of the Senate this Congress,

The Republicans offer no objection to an extra session of the Senate, which does not conflict with their purpose of pushing over the short session and likewise the first session of the next Congress such embarrassing legislation as currency and tariff.

No opposition, either, has developed to an extra session of the Senate from the Democrats. The importance of ratifying the treaty with Great Britain over the seal question and other tangled relations, is appreciated, and either this or the peace treaty would alone occupy, perhaps, the entire time of the Senate during the life of the short session.

HONORS FROM THE FOREIGN MINISTER

Peace Commission. Paris, Dec. 2.-The Figure says that M Delcasse, minister of foreign affairs, will entertain all of the members of the Joint

their departure from Paris. The Barnes Habeas Corpus Case. Erie, Pa., Dec. 2.-The habeas corpucase of W. H. Barnes against the Magowans and Mrs. Wynn for possession of Mrs. Barnes-Magowan's daughter was nostnoned again today until December 17. The disposition of this case will depend

Peace Commission at dinner previous to

upon the outcome of the cases at Cleve-

The auxiliary gunboat Wasp, companion ship of the Hornet, will be turned over to ship of the North Carolina Reserves.

WILLIAM A. KEYS HELD RESPONSIBLE

THE RAILROAD IS CENSURED

Gateman Was Arrested Lust Night and Is Now Locked Up at the Ninth Precinct. In the cases of George Gray and Fannie Harrison, the two children who were kill-

ed by a Baltimore and Ohio train while on their way to school, the coroner's jury sat for nearly three hours today and then returned a verdict censuring the railroad company and recommending that W. A Keys, the gatekeeper, he held to answer for criminal negligence.

Keys was arrested last night about midnight and is now locked up at the Ninth recinct station. Unless bail is procured for his release he will be sent to the United States jail, pending a further in-

The inquest was begun at the Sixth precinct station house at H o'clock this

Representatives of the District attorney's office were present to take charge of the case in event of the railroad company being held responsible for the accident, and Attorney E. B. Hay was present to look after the interests of the fam-

lles of the dead children The first witness was Deputy Coroner Glazebrook, who told the jury the condi- law, and that those men who laid bets tion of the bodies when he performed an autopsy at the morgue yesterday morn-

carriage until just before the engine struck it. He reversed the levers immediately, but too late to do any good.

William A. Keys, the gatekeeper at the crossing, was next called. He gave a detailed account of the accident. He said the gates were kept down most of the time on account of the yard engines at the Trinidad station shifting cars about at the car-cleaning station. Keys said he had often seen the horse and carriage which was demolished, and it was always driven very fast. Yesterday morning the Keys was just about to lower the gate on the opposite side of the track from his James D. Richardson, representing the watch box. The gate on his side he kept down always, and only lifted it when

the track before the train came

reins. The horse passed on under the gate and stopped right in the middle of the track.

Everything happened so quick the wit-ness said on crost-examination by Mr. Hay, that he could not give any warning to the people in the carriage. Keys said that he was formerly an operator for the company and had been reduced because he stopped a train at the New York Avenue station by forgetting to operate

ROCHESTER'S ACADEMY OF MUSIC IN RUINS

TOTALLY DESTROYED BY FIRE

Oldest Playhouse in the City-Seene

of Famous Exploits of Concert and Drama

This was the oldest playhouse in the stop the betting. He read many authorities in support of his contention, the maintained that a horse race on stage the story of the famous "Ro-hest-r which bers are made is a gaming device Rappings" was first told to a Rochester within the meaning of the statutes of the ism, and Adelina Patti appeared as a singer in the theater when only eight difference existed between the methods years of age. P. T. Barnum made his of bets at Benning. now under preparation by the Canadian- first appearance before a Rochester audi-

> ence in the old building. Manager Cook, of the Academy, says he cannot account for the fire.

ANDREE PASSED OVER

MANUSCRIPT FOUND IN A BOTTLE Governor Black Will Accede to the

Report of a Villeskai Driver to the Scandinavian Minster at St. Petersharg.

Stockholm, Dec. 2.-Advices receive here from St. Petersburg say that the minister of Sweden and Norway at the Russian capital has received a letter from Johanne Detke, an engine driver living at Villeskai, in which the writer claims to have found in the vicinity of the Ural Mountains a Hungarian wine bottle containing two pieces of paper. One of the pieces here the inscription in French: knows he has endeavored to discharge his M. Delcasse, of France, to Entertain 'Andree's balloon has crossed the Ural

Mountains. Andree." On the other was written in Russian: "Give this letter to the consul or police." A corner of the second piece of paper had been torn off, in consequence of which a few letters of the writing were miss

THE CRUISER NEW YORK'S

Ordered to Leave Hampton Roads Home.

New York to Havana. Capt. Chadwick tendent of public works and is under 25,has been ordered to leave Hampton 000 bonds. Roads with the New York tomorrow and proceed direct to Havana. It is said at the Navy Department that the cruiser will then bring the admiral home.

ARGUMENT ON MOTION TO DISMISS CASES

Attorney Pleads for the Race Track Officials.

HORSE RACING NOT GAMING

Former District Attorney Birney Quoted in Behalf of Defense.

Mr. Baker, Assistant Attorney for the Prosecution. Presents the Government's Side of the Case.

Attorney Auerbach, associate counsel for the defense in the case of the United States against the officers of the Washington Jockey Club, resumed his armment this morning on the motion of the defense to dismiss the charges. He reviewed briefly the points upon which he dwelt at length yesterday. These were, that betting, as conducted at Bennins was not bookmaking in the eye of the at Denning, did not "occupy a place" there within the meaning of the law. He went over the line of testimony pursued Engineer Peters, of the train, was the game, but that it is sport. He defined a next witness. He said he did not see the game as a centest between intelligent beings as a game of baseball, cricket, chess

or poker. He said that no one ever reor poker. He said that no one ever re-ferred to a horse race as a "game."

He admonished the court that the prov-lince of a judge was to construe the law and interpret statutes, and not to make laws. The judge in his capacity as a citi-zen might think what ought to be the law, but in his capacity as a jurge he must confine himself to what the statutes contain.

Mr. Auerbach resumed his consideration of the English statutes on bookmaking and other species of betting. He main-tained that the American law of 1883 was not directed against horse races.

Mr. Auerbach read the opinion of Mr.
Birney, who, when attorney for the Dis-trict of Columbia advised the D=t let

Commissioners that under the law of that time, betters could not be suc.ess-

pose of betting on it, but he held that the races were set up primarily for the pur-pose of entertainment and trials of speed and endurance, on the results of w. ich bets were incidentally made by individ-

makers' be the presecution, were simply those individuals who did more than the average amount of betting. As these men were not "bookmakers" and did not occupy a "place," they were not amenable to the law, and if these men were not violating the law, the defendants could not be convicted for permitting on premises controlled by them, that act which was not unlawful.

He drew a distinction between besting and gambling. All gamblers involved bet ting, but all betting did not involve gamb

and each puts in his portion of a sweep-stakes, and race their norses for the pot, it is a gaming device; but if a pursor premium be offered by a competent au-thority, it was not gambling if horse own-ers entered into a contest for this amount, or certain parts of it

Mr. Austhreb called attention

the show company lost everything their loss being \$7,000.

This was the oldest playhouse in the story the premises they had authority to story the betting the best over the premises they had authority to story the best over the premises they had authority to

District of Columbia. He quoted the

employed by bookmakers and the layers Mr. Mullowney made the closing argu-ment against the motion to dismiss. Mr. Mullowney closed the argument against the motion to dismiss. He made a strong address. Mr. Worthin ed the argument for the defens of dismissing the charges.

THE URAL MOUNTAINS ALDRIDGE WILL BE SUSPENDED FROM OFFICE

Request of the Public Works Superintendent. Albany, N. Y., Dec. 2.-Gov. Black did not reach the executive chamber until late this morning. The governor is expected to issue a statement today or tomorrow acceding to the request of Super-Intendent George W. Aldridge, of the department of public works, that he be suspended from office pending a judicial investigation of his official acts in conn tion with the canal improvements work. State Engineer Adams says he has no intention of retiring from office as he

abillity. The law provides that in the absence of the superintendent of public works, his deputy may perform all the acts of the superintendent, except as a member of the canal board.

duties honestly and to the best of his

It is believed the governor will treat SER NEW YORK'S

Mr. Aldridge as being absent during his

MISSION TO HAVANA

suspension from office and will allow his deputy to run the department for the remainder of Mr. Aldridge's term, which expires on the last day of the present

Secretary Long has ordered the cruiser P. J. McSweeney is the deputy superin-

Honorable discharges were granted to-

the Florida Naval Reserves in a few will remain at Havana as hong as Admi. day to the following naval officers: Licuts days. The Hornet is now the practice ral Sampson's duties with the Evacuation C. S. Braddock, J. O. Porter and J. T. Commission keep him there, and that she Bootes, the latter junior grade; Ensign B. & O. Saturday and Sunday,
December 3 and 4. Good for return until following Monday. The del-stream large arrived at Fort Monyoe this morning the number of the gumboat Marietta arrived at Fort following Monday. The battleship trains except Royal Limited. del-stream ling.

St. M. Kane, Passed Asst. Sorg. F. Me-Gill, S. M. Kane, Passed Asat. Surg. P. Mc-